



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

DEC 18 1998

The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuåttro na Liheslaturan Guåhan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910


OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Dominic</u>
Time	<u>12:46 pm</u>
Date	<u>12-21-98</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 785 (COR), "AN ACT TO REPEAL AND REENACT §51102(17) AND 51106, TO AMEND §51103(a)(11), AND TO ADD §§51103(a)(16), 51104(g) AND 51106A, ALL TO ARTICLE 1, CHAPTER 51, PART 2, DIVISION 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, AS AMENDED BY P.L. NO. 24-272, RELATIVE TO SOLID AND HAZARDOUS WASTE MANAGEMENT", which I have signed into law today as **Public Law No. 24-309**.

As evaluated by the Guam Environmental Protection Agency, this legislation is similar to Bill No. 655 in that it seeks to satisfy previously identified regularly deficiencies required by USEPA, Region IX, Office of the Regional Counsel, in order to ensure consistency with federal requirements. Without these needed amendments, a new solid waste landfill cannot be attained.

Very truly yours,

  
Carl T. C. Gutierrez  
I Maga'lahaen Guåhan  
Governor of Guam

01175

Attachment: copy attached for signed bill  
original attached for vetoed bill


cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 12/18/98  
Time: 3:11  
Rec'd by: RUR  
Print Name: Laurie


MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN


This is to certify that Substitute Bill No. 785 (COR) "AN ACT TO REPEAL AND REENACT §§51102(17) AND 51106, TO AMEND §51103(a)(11), AND TO ADD §§51103(a)(16), 51104(g) AND 51106A, ALL TO ARTICLE 1, CHAPTER 51, PART 2, DIVISION 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, AS AMENDED BY P.L. NO. 24-272, RELATIVE TO SOLID AND HAZARDOUS WASTE MANAGEMENT," was on the 3<sup>rd</sup> day of December, 1998, duly and regularly passed.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

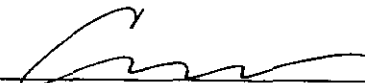
Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 7<sup>th</sup> day of December, 1998,  
at 1:20 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'laha*'s Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: 12-18-98

Public Law No. 12-309

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) REGULAR SESSION**

**Bill No. 785 (COR)**

As substituted by the Committee on  
Natural Resources and  
amended on the Floor.

Introduced by:

J. M.S. Brown  
T. C. Ada  
F. B. Aguon, Jr.  
A. C. Blaz  
Felix P. Camacho  
Francisco P. Camacho  
M. C. Charfauros  
E. J. Cruz  
W. B.S.M. Flores  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
L. A. Leon Guerrero  
V. C. Pangelinan  
J. C. Salas  
A. L.G. Santos  
F. E. Santos  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO REPEAL AND REENACT §§51102(17)  
AND 51106, TO AMEND §51103(a)(11), AND TO ADD  
§§51103(a)(16), 51104(g) AND 51106A, ALL TO  
ARTICLE 1, CHAPTER 51, PART 2, DIVISION 2 OF  
TITLE 10 OF THE GUAM CODE ANNOTATED, AS  
AMENDED BY P.L. NO. 24-272, RELATIVE TO SOLID  
AND HAZARDOUS WASTE MANAGEMENT.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Findings and Intent.** *I Liheslaturan Guahan* has found that  
3 §§51102, 51103 and 51104, *repealed and reenacted* by Public Law Number 23-64,  
4 which has since been codified into Chapter 51 of Title 10 Guam Code Annotated,  
5 were repealed and re-enacted by The Ordot Dump Closure and Solid Waste  
6 Management Alternatives Act, Public Law Number 24-139 (Bill No. 495), and  
7 then subsequently were repealed and reenacted by the legislative override of  
8 vetoed Bill Number 520, now Public Law Number 24-272.

9           These sections must be amended as well as sections not affected by the  
10 other two (2) recent laws based on USEPA’s review of the delegation request for  
11 a solid waste permitting program on Guam. Without this delegation a new  
12 RCRA Subtitle D Municipal Solid Waste Landfill *cannot* be built.

13           **Section 2.** Section 51102(17) of Article 1, Chapter 51, Part 2, Division 2 of  
14 Title 10 of the Guam Code Annotated, *as amended by P.L. No. 24-272*, is hereby  
15 *repealed and reenacted* to read as follows:

16                   “(17) *Financial assurance* means a financial guarantee assuring that  
17 funds are available to pay for the design, construction, operation and  
18 closure of a solid waste landfill facility, for rendering post-closure at a solid  
19 waste landfill facility, for corrective action and to compensate third parties  
20 for bodily injury and property damage caused by sudden and non-sudden  
21 accidents related to the operation of a solid waste landfill facility.”

22           **Section 3.** Section 51103(a)(11) of Article 1, Chapter 51, Part 2, Division 2  
23 of Title 10 of the Guam Code Annotated, *as amended by P.L. No. 24-272*, is hereby  
24 *amended* to read as follows:

–5                   “(11) require a financial guarantee assuring that funds are

1 available to pay for the design, construction, operation and closure of a  
2 solid waste landfill facility, for rendering post-closure at a solid waste  
3 landfill facility, for corrective action and to compensate third parties for  
4 bodily injury and property damage caused by sudden and non-sudden  
5 accidents related to the operation of solid waste landfill facility.”

6 **Section 4.** Section 51103(a)(16) is hereby *added* to Article 1, Chapter 51,  
7 Part 2, Division 2 of Title 10 of the Guam Code Annotated, *as amended by P.L. No.*  
8 *24-272*, to read as follows:

9 “(16) determine the applicability, type and sum required for  
10 posting a performance bond on solid waste management facilities that are  
11 not municipal solid waste landfills.”

12 **Section 5.** Section 51104(g) is hereby *added* to Article 1, Chapter 51, Part 2,  
13 Division 2 of Title 10 of the Guam Code Annotated, *as amended by P.L. No. 24-272*,  
14 to read as follows:

15 “(g) The Administrator shall determine the applicability for  
16 requiring a performance bond for permit applications and permit renewal  
17 applications for solid waste management facilities that are not landfills.  
18 Upon the determination that a performance bond is required, that  
19 Administrator will decide the type and sum required to ensure fulfillment  
20 by the permit holder of the requirements of this Chapter and the rules and  
21 regulations authorized therein.”

22 **Section 6.** Section 51106 of Article 1, Chapter 51, Part 2, Division 2 of Title  
23 10 of the Guam Code Annotated is hereby *repealed and reenacted* to read as  
24 follows:

525 “Section 51106. Inspections. (a) The Agency is hereby

1 notification of such inspection, and the inspection shall be  
2 during normal business hours. If such entry or inspection is  
3 denied or *not* consented to *and* no emergency exists, the Agency  
4 is empowered to and shall obtain from the appropriate court a  
5 warrant to enter and conduct an inspection. The courts on  
6 Guam are empowered to issue such warrants upon a showing  
7 that such entry and inspection is required to verify that the  
8 purposes of the Act are being carried out. *If* samples are taken,  
9 the owner and operator of the premises for which such samples  
10 are taken shall be entitled to a receipt for such samples and,  
11 upon request, a sufficient portion to perform an analysis  
12 equivalent to that which the Agency may perform.

13 (iii) In the event of an emergency which presents an  
14 immediate and substantial threat to the public health and  
15 safety or the environment, the Agency shall have the authority  
16 to issue such orders as may be appropriate to protect the public  
17 health and safety or the environment, including emergency  
18 authorization for procurement.

19 (iv) Any person against whom an emergency order is  
20 issued shall be entitled to a hearing within twenty-four (24)  
21 hours. The GEPA Board shall affirm, modify or set aside the  
22 order of the Agency."

23 **Section 7.** Section 51106A is hereby *added* to Article 1, Chapter 51, Part 2,  
24 Division 2 of Title 10 of the Guam Code Annotated to read as follows:

25 **"Section 51106A. Criminal Search Warrants.** A search

1 warrant relating to offenses of environmental laws may be served at any  
2 time of the day or night *if* the judge or magistrate issuing the warrant is  
3 satisfied that there is probable cause to believe that grounds exist for the  
4 warrant.”

5 **Section 8. Severability.** *If* any provision of this Law or its application  
6 to any person or circumstance is found to be invalid or contrary to law, such  
7 invalidity shall *not* affect other provisions or applications of this Law which can  
8 be given effect without the invalid provisions or application, and to this end the  
9 provisions of this Law are severable.

F.L. 24-309



Office of Senator

✓ **Joanne M. Salas Brown**

*Twenty-Fourth Guam Legislature*

November 30, 1998

Speaker Antonio R. Unpingco  
Twenty-Fourth Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Speaker Unpingco:

The Committee on Natural Resources, to which Bill 785 - AN ACT TO AMEND CHAPTER 51 OF 10 GUAM CODE ANNOTATED RELATIVE TO SOLID AND HAZARDOUS WASTE MANAGEMENT was referred, wishes to report back to the Legislature its recommendation **TO DO PASS.**

The voting sheet is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are enclosed.

Thank you for your attention to this matter.

Sincerely,

JOANNE M.S. BROWN  
Senator

Enclosures





Office of Senator  
**Joanne M. Salas Brown**  
*Twenty-Fourth Guam Legislature*

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November 30, 1998

MEMORANDUM

To: Committee Members

From: Chairperson, Committee on Natural Resources

Subject: Committee Report on Bill 785: An Act to Amend Chapter 51 of 10 Guam Code Annotated Relative to Solid and Hazardous Waste Management

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

Please indicate your choice on the attached Voting Sheet and return the documents to my office for transmittal to the other members.

Your attention and cooperation in this matter is greatly appreciated.





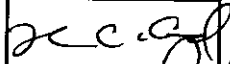




JOANNE M.S. BROWN

Attachments

**Committee on Natural Resources**  
**Joanne M.S. Brown**  
**Chairperson**

**VOTING SHEET**

**Bill No. 785 As Amended - An Act To Amend Chapter 51 of 10 Guam Code  
 Annotated Relative to Solid and Hazardous Waste Management**

MEMBER COMMITTEE	TO DO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE	SIGNATURE
Joanne S. Brown Chairperson	✓				
Tony Lamorena Vice Chairman	✓				
Tom Ada Member	✓				
C. Leon Guerrero Member	✓				
Mark Forbes Member					
Francis Santos Member					
M. Charfauros Member					
Anthony Blaz Member	✓				
J. Won Pat-Borja Member	✓				
A.R. Unpingco Speaker Ex-Oficio Member	✓				

# **COMMITTEE ON NATURAL RESOURCES**

Senator Joanne M. S. Brown, Chairperson

## **PUBLIC HEARING**

ON

**Confirmation of Jose L. G. Techaira  
Member, Board of Directors, GEPA**

**Bill 784**

**Bill 785**

**and**

## **MARK-UP SESSION**

**Bill 655 (LS)**

Friday, November 27, 1998  
9:00 a.m.

The Committee on Natural Resources held a Public Hearing on Friday, November 27, 1998, at 9:00 a.m., in the Legislative Public Hearing Room.

In attendance were:      Senator Joanne M. S. Brown, Chairperson  
   Senator Alberto "Tony" Lamorena, Vice Chairman

## Committee on Natural Resources

Public Hearing

November 27, 1998

### **Bill 785(COR): An Act To Amend Chapter 51 of 10 Guam Code Annotated Relative To Solid And Hazardous Waste Management**

Elizabeth Cruz, Legal Counsel for the Guam Environmental Protection Agency (GEPA) testified on Bill 785.

Ms. Cruz began her testimony with the changes that were made to Bill 785. In section 2, there is a change in the definition of the term financial assurance. She mentioned that it is pretty much self explanatory. She also added that this term deviates from the federal definition, and gives reference to Senator Joanne Brown incorporating the financial assurance for design operations and the construction of a landfill in the privatization section in P.L. 24-06.

Ms. Cruz continued with financial guarantees. She mentioned that this is a "magic term" for landfills. There are allowable mechanisms for a financial guarantee for a landfill. The other sections incorporate the idea of the performance bond requirement.

One of the corrections she would like to make is on page three (3), line seven (7) and line eight (8). The regulations read: solid waste disposal facility, but it should be changed to solid waste landfill facility . She mentioned that it was a typographical error.

In section 6 and section 7, these are the items Ms. Cruz has added to strengthen the Agency's enforcement action under the inspection authority. She wants to expand the agency's abilities to be allowed to inspect on any kind of property if there is violation. Senator Brown asked for an example. Ms. Cruz mentioned that if the agency receives a complaint, they would go to that area and the owner would tell them to get out. She added that legally, the agency is only allowed to inspect private property through the consent of the owner. Senator Brown questioned about the feedback on this matter. Ms. Cruz mentioned that the agency has to make a decision

Page 2 of 2

Re: Bill 785-November 27, 1998 Public Hearing

regarding private property rights when it goes beyond that and if it becomes a public nuisance, then the Authority would be asked to go into that property.

Senator Brown assumes that GEPA will extend all common courtesy to the residents and go through all the proper protocol. Ms. Cruz confirmed that is correct and those are the steps GEPA will take.

Ms. Cruz continued with the items she has added into the regulations, which included: the Administrative Inspection Warrants. This will help the agency inspect if the private property owner is resistant or belligerent even after the courtesy request. The agency will issue this warrant giving them the authority to inspect. In addition to this, there is also a Criminal Search Warrant. This will help if the agency feels there is criminal activity occurring. The agency will have the authority to go through a criminal search warrant.

Senator Brown questioned whether these amendments were made because they were forgotten in the original version, or whether these amendments were additional thoughts that have come up as a result for the agency to strengthen its position.

Ms. Cruz answers that the agency has been looking at their position with regards to inspections. She also confirmed that the amendments were added on to strengthen the agency's position.

Senator Brown asked if Ms. Cruz can do a short summary of the critical sections, of what is currently existing in law that they have passed, and what the changes are going to do. Ms. Cruz agreed to provide the summary.

There was no further testimony on Bill 785.





Office of Senator  
**Joanne M. Salas Brown**  
*Twenty-Fourth Guam Legislature*

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**PUBLIC HEARING**  
Friday, November 27, 1998  
9:00 a.m.

**AGENDA**

**1. Introduction of Committee Members**

**2. Commencement of Public Hearing**

**1. BILL 784 (COR) - AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY("GEPA") AIR POLLUTION CONTROL STANDARDS AND REGULATIONS**

**2. BILL 785 (COR) - AN ACT TO AMEND CHAPTER 51 OF 10 GUAM CODE ANNOTATED RELATIVE TO SOLID AND HAZARDOUS WASTE MANAGEMENT**

**3. CONFIRMATION OF JOSE L.G. TECHAIRA  
MEMBER, BOARD OF DIRECTORS  
GUAM ENVIRONMENTAL PROTECTION AGENCY**

At 11:00 a.m., Mark-Up Session for

**4. BILL 655 (LS) - AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS "THE SOLID WASTE REDUCTION ACT."**

**3. Public Comment**

**4. Adjournment**

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**15-CARPENTER**.....\$11.25/hr.  
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**05-CEMENT MASONS**.....\$10.83/hr.  
 Smooths/finishes surfaces of poured concrete floors, walls, sidewalks, curbs to specified textures, using hand or power tools, including floats, trowels and screeds. Spreads concrete to specified depth and workable consistency using float to bring water to surface and produce soft topping. Levels, smooths, and shapes surfaces of freshly poured concrete, using straightedge and float or power screed. Finishes concrete surfaces using power trowel, and rubs concrete with abrasive stone to impart finish. Lays concrete blocks and mixes cement using shovel, handtools or mixing machines.

**09-PLASTERERS**.....\$9.57/hr.  
 Applies coats of plaster to interior walls, ceiling & partitions of building to produce a finished surface, according to blueprints, architect's drawings, or oral instructions, using hand or portable power tools. Directs workers to mix plaster to desired consistency & to erect scaffolds. Spread plaster over lath or masonry base, using trowel, & smooths plaster with darby & float to attain uniform thickness. Create decorative textures in finish coat by marking surface of coat with brush and trowel or by spattering it with small stones. Install lathing, mix mortar, instal guide wires on exterior surface of buildings to indicate thickness of plaster to be applied. May install precast ornamental plaster pieces by applying mortar to back of pieces & pressing pieces into place on wall or ceiling.

**04-REINFORCING METAL WORKER**.....\$9.92/hr.  
 Positions and secures steel bars in concrete forms to reinforce concrete. Determines number, size, shapes and locations of reinforcing rods from blueprints, sketches, or oral instructions. Selects and place rods in forms, spacing and fastening them together using wire and pliers. Cut bars to required lengths, using hacksaw, bar cutter, or acetylene torch. May bend steel rods with handtools, or rod bending machine. May reinforce concrete with wire mesh, may weld reinforce bars together using arc-welds equipment.

**02-CAMP COOKS**.....\$9.00/hr.  
 Prepares and cooks family style meals in quantities according to the menu and the number of persons to be served. Plans meals for the day. Keeps inventory of stock, orders and purchases supplies. Washes dishes, pots and pans. Keep kitchen in clean and sanitary condition according to health regulation. Must possess a health certificate upon hire.

Interested applicants, please apply at Guam Employment Service with the One Stop Career Center, 125 Tun Jesus Cristostomo St. Suite 101 Tamuning, Guam 96911 (Sunny Plaza) (Ref. No. 981019)

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 ...GPA Central Office,  
 ...mon, Guam 96911.

...ordallo  
 ...Guam

Ricardo S. Unpingco  
 General Manager

**TWENTY - FOURTH GUAM LEGISLATURE**  
 Committee on Natural Resources  
 Senator Joanne M. S. Brown  
 Chairperson

**NOTICE OF PUBLIC HEARING**

The Committee on Natural Resources will be conducting a Public Hearing on Friday, November 27, 1998 at 9:00 a.m. at the Legislative Public Hearing Room, 155 Hesler Street, Hagatna, on


**BILL 784 (COR)- AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY("GEPA") AIR POLLUTION CONTROL STANDARDS AND REGULATIONS;**

**BILL 785 (COR) - AN ACT TO AMEND CHAPTER 51 OF 10 GUAM CODE ANNOTATED RELATIVE TO SOLID AND HAZARDOUS WASTE MANAGEMENT;**

**CONFIRMATION OF JOSE L.G. TECHAIRA**  
 MEMBER, BOARD OF DIRECTORS GUAM ENVIRONMENTAL PROTECTION AGENCY;  
 At 11:00 a.m., Mark-Up Session for

**BILL 655 (LS) - AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS "THE SOLID WASTE REDUCTION ACT."**

**ADA Coordinator:**  
 Mrs. Toni Gumataotao at 472-3450/51  
 The public is invited to attend.





BBMR-F7

### FISCAL NOTE BUREAU OF BUDGET AND MANAGEMENT RESEARCH

Bill No. 784 (COR) Date Received 11/30/98  
 Amendatory Bill YES  NO  Date Reviewed 11/30/98  
 Department/Agency Affected: Guam Environmental Protection Agency  
 Department/Agency Head: Jesus T. Salas, Administrator  
 Total FY Appropriation to Date: \$2,318,084.00  
 Bill Title (Preamble): AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE  
 GUAM ENVIRONMENTAL PROTECTION AGENCY ("GEPA") AIR POLLUTION  
 CONTROL STANDARDS AND REGULATIONS.

Change in Law: \_\_\_\_\_

Bill's Impact on Present Program Funding:  
 Increase  Decrease  Reallocation  No Change  
 Bill is for:  Operations  Capital Improvement  Other-

#### FINANCIAL/PROGRAM IMPACT

##### ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Health and Welfare		1/	1/

##### ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER	1/					1/
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO - IF NO, ADD'L AMT REQUIRED 1/  
 AGENCY/PERSON/DATE CONTACTED: GEPA / Rose Perez / 11-30-98

##### ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER	1/					1/
TOTAL						

ANALYST William P. Fontingore DATE 11/30/98  
 DIRECTOR JOSEPH E. RIVERA DATE DEC 01 1998  
 Acting Director

Footnotes: 1/ See attached comments.

**Comments to Bill No. 784(COR)**

Bill No. 784 intends to establish the Rules and Regulations for the Guam Environmental Protection Agency (GEPA) Air Pollution Control Standards and Regulations. A total of Five (5) additional Full Time Employees (FTE's) for the Air Pollution Control Program will be created to effectuate the purpose and intent of the Air Pollution Control Act. These new positions are to be funded contingent on the availability of funds in the Air Pollution Control Special Fund that is also created by the Act.

The Bureau is unable to obtain any comments from GEPA on the content and impact of the proposed measure. As such, the Bureau cannot provide a revenue forecast of the proposed special fund to determine whether there will be sufficient funds generated and available to cover the costs of the requested positions and to carry out the intent of the Act.